IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2217 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.2221 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.2222 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.2224 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.2225 OF 2005

Enarai Securities Ltd. & Ors ...Applicants

Versus

State of Maharashtra & Anr ...Respondents

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Mr. Subodh Desai i/b Prakash & Co. Advocate for Applicant.

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JUNE, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of Complaint Nos. 876/S of 1999, 877/S of 1999, 878/S of 1999, 879/S of 1999 and 880/S of 1999, which are pending in the Court of learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. In the said cases, process has been issued against the

applicants under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal applications are disposed of.

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